

DEC 23 2005

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**To:** Examiner: Qamrun Nahar  
Group Art Unit: 2191  
Confirmation No.: 3776  
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**From:** John S. Sensny, Esq.

**Fax:** **Pages** 8, including fax cover sheet

**Phone:** **Date:** December 23, 2005

**Re:** Re: Motohiro Kawahito, et al.  
U.S. Patent Appln. No. 09/814,324  
Filing Date: March 21, 20001  
Our Docket: JP919990309US1 (17696)

**CC:**

**AMENDMENT UNDER 37 C.F.R. §1.116  
(FINAL REJECTION)**

Transmitted herewith are the following:

1. Amendment Transmittal Letter (in duplicate);
2. Amendment under 37 C.F.R. §1.116;
3. Certificate of Transmission by Facsimile, dated December 23, 2005 (in duplicate).

**For:**


Applicant: Motohiro Kawahito, et al.  
U.S. Patent Appln. No. 09/814,324  
Filing Date: March 21, 2001  
Our Docket: JP919990309US1 (17696)  
Title: "PROGRAM COMPILATION AND OPTIMIZATION"

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PAGE 2/8 \* RCVD AT 12/23/2005 11:43:40 AM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/26 \* DNIS:2738300 \* CSID:5167424366 \* DURATION (mm-ss):02:50

DEC 23 2005

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>JP919990309US1 (17696)</b>									
Applicant(s): <b>Motohiro Kawahito, et al.</b>														
Application No. <b>09/814,324</b>	Filing Date <b>March 21, 2001</b>	Examiner <b>Qamrun Nahar</b>	Customer No. <b>23389</b>	Group Art Unit <b>2191</b>	Confirmation No. <b>3779</b>									
Invention: <b>PROGRAM COMPILATION AND OPTIMIZATION</b>														
<b>COMMISSIONER FOR PATENTS:</b>														
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.														
<b>CLAIMS AS AMENDED</b>														
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE									
TOTAL CLAIMS	2 -	20 =	0	x \$50.00	\$0.00									
INDEP. CLAIMS	2 -	3 =	0	x \$200.00	\$0.00									
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00									
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>									
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>50-0510/IBM</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.														
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>														
 Signature			Dated: <b>December 23, 2005</b>											
<b>Steven Fischman</b> <b>Registration No. 34,594</b>  <b>Scully, Scott, Murphy &amp; Presser</b> <b>400 Garden City Plaza - Suite 300</b> <b>Garden City, New York 11530</b> <b>(516) 742-434</b>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td> </tr> <tr> <td style="width: 50%; text-align: center;">(Date)</td> <td style="width: 50%;"></td> </tr> <tr> <td colspan="2" style="text-align: center;">Signature of Person Mailing Correspondence</td> </tr> <tr> <td colspan="2" style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>				I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____		(Date)		Signature of Person Mailing Correspondence		Typed or Printed Name of Person Mailing Correspondence	
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Typed or Printed Name of Person Mailing Correspondence														
cc: SF:JSS:jy														

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DEC 23 2005

<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b>					Docket No. <b>JP919990309US1 (17696)</b>	
Applicant(s): <b>Motohiro Kawahito, et al.</b>						
Application No. <b>09/814,324</b>	Filing Date <b>March 21, 2001</b>	Examiner <b>Qamrun Nahar</b>	Customer No. <b>23389</b>	Group Art Unit <b>2191</b>	Confirmation No. <b>3779</b>	
Invention: <b>PROGRAM COMPILATION AND OPTIMIZATION</b>						
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<b>CLAIMS AS AMENDED</b>						
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE	
TOTAL CLAIMS	2 -	20 =	0	x \$50.00	\$0.00	
INDEP. CLAIMS	2 -	3 =	0	x \$200.00	\$0.00	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00	
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>	
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account <b>50-0510/IBM</b> <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038.						
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cc: SF:JSS:jy						

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DEC 23 2005

Response Under 37 C.F.R. §1.116  
Expedited Procedure Examining  
Examining Group 2191

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Motohiro Kawahito, et al.

Examiner: Qamrun Nahar

Serial No: 09/814,324

Art Unit: 2191

Filed: March 21, 2001

Docket: JP919990309US1 (17696)

For: PROGRAM COMPILATION AND  
OPTIMIZATION

Dated: December 23, 2005

Confirmation No.: 3779

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 C.F.R. §1.116

Sir:

In response to the Office Action dated September 23, 2005, please amend the subject patent application as follows.

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: December 23, 2005

  
Steven Fischman